ANNUAL SYNAR REPORT

42 U.S.C. 300x-26 OMB № 0930-0222

FFY 2009 State: Nevada

Revised: 11/07/08

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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project; 1 Choke Cherry Road, 7th Floor Rockville, Maryland 20857.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 10-31-2010.

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2008 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2009 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided in the FY 2009 Uniform Application, Appendix A. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2008. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

The State must upload one copy of the report using the online Web BGAS (Block Grant Application System). States that use the Synar Survey Estimation System (SSES) must also upload one copy of SSES Tables 1-5 (in Excel) to Web BGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4 and 5, and Forms 2 and 3, if applicable, (in Excel format) to Web BGAS. Instructions on how to access the Web BGAS system are included in the attached cover letter.

Additionally, the State must submit one signed original of the report (including the signed Funding Agreements/Certifications), as well as one additional copy of the signed Funding Agreements/Certifications, to the Grants Management Officer at the address below:

Ms. Barbara Orlando
Grants Management Officer
Office of Program Services
Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

Overnight Mail:

1 Choke Cherry Road, Rm.7-1091 Rockville, Maryland 20857 1 Choke Cherry Road, Rm.7-1091 Rockville, Maryland 20850

FFY 2009: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT

42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.

SYNAR SURVEY SAMPLING METHODOLOGY

The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2009 is up-to-date and approved by the Center for Substance Abuse Prevention.

SYNAR SURVEY INSPECTION PROTOCOL

The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2009 is up-to-date and approved by the Center for Substance Abuse Prevention.

State: Nevada	
Name of Chief Executive Officer or Desig	gnee: Deborah McBride, MBA
Signature of CEO or Designee:	
Title: Director	Date Signed:
If signed by a designee,	a copy of the designation must be attached.

FFY: 2009 State: Nevada

Date: Revised 11/2008

SECTION I: FFY 2008 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

1.	access s	indicate any changes or additions to the State tobacco statute(s) relating to youth since the last reporting year. Please attach a photocopy of the change(s) in the aw(s) if any was made since the last reporting year (see 42 U.S.C. 300x-26).					
	a.	Has there been a change in the minimum sale age for tobacco products?					
		☐ Yes ⊠ No					
		If Yes, current minimum age: 19 20 21					
	b.	Have there been any changes in State law that impact the State's protocol for conducting Synar inspections? \square Yes \boxtimes No					
		If Yes, indicate change. (Check all that apply.)					
		☐ Changed to require that law enforcement conduct inspections of tobacco outlets					
		Changed to make it illegal for youth to possess, purchase or receive tobacco					
		Changed to require ID to purchase tobacco					
		Other change(s) (Please describe.)					
	c.	Have there been any changes in the law concerning vending machines?					
		☐ Yes ⊠ No					
		If Yes, indicate change. (Check all that apply.)					
		Total ban enacted					
		Banned from location(s) accessible to youth					
		Locking device or supervision required					
		Other change(s) (Please describe.)					
	d.	Have there been any changes in State law that impact the following?					
		Licensing of tobacco vendors					
		Penalties for sales to minors \square Yes \boxtimes No					
2.	42 U.S.C	e how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see C. 300x-51) were made public within the State prior to submission of the ASR. all that apply.)					
		Placed on file for public review					
		Posted on a State agency Web site (Please provide exact Web address.)					
		Notice published in a newspaper or newsletter					

	Public hearing							
Announced in a news release, a press conference, or discussed in a media intervi								
Distributed for review as part of the SAPT Block Grant application process								
Distributed through the public library system								
☐ Published in an annual register								
September 1 the state as pon the Agendattp://mhds.	ange(s) (<i>Please describe</i> .) The Annual Synar Report was presented at a hearing on 7, 2008. Advanced notice of this hearing was posted in various public locations around her the Nevada Revised Statutes, Open Meeting Law. Notice of the meeting was placed by set were at: Notice of the meeting was placed by we will be site at: Notice o							
and Treatme	abuse treatment and prevention programs funded by the Substance Abuse Prevention nt Agency (SAPTA). The report was sent to members of SAPTA's Advisory Board, for lyance of the September 17, 2008 meeting.							
3. Identify	the following agency or agencies (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).							
•	The State agency(ies) designated by the Governor for oversight of the Synar requirements:							
	The Nevada Department of Health and Human Services, Mental Health and Developmental Services (MHDS), Substance Abuse Prevention and Treatment Agency (SAPTA).							
	Has this changed since last year's Annual Synar Report? Yes No							
b.	The State agency(ies) responsible for conducting random, unannounced Synar inspections:							
	The State of Nevada Office of the Attorney General							
	Has this changed since last year's Annual Synar Report? Yes No							
c.	The State agency(ies) responsible for enforcing youth tobacco access law(s):							
	The State of Nevada Office of the Attorney General is responsible for the enforcement of state tobacco laws governing the sale of tobacco to minors. Attorney General Staff assigned to these enforcement activities include the Senior Deputy Attorney General (SDAG) of the Tobacco Unit (full time), two investigators (each full time), one management assistant (full time), and eight youths (each part time). The Office conducts uniform compliance checks at all tobacco outlets which are accessible to youth across the State. This uniformity assures that all businesses are treated equitably and ensures program benefits are received throughout the State. This practice also assures that no outlet or group of outlets perceives they are being targeted. Local law enforcement agencies have concurrent authority over the sale of tobacco to minors, although they do not carry out unannounced compliance checks to enforce youth access laws.							
	Has this changed since last year's Annual Synar Report? Yes No							

4. Identify the State agency(ies) responsible for tobacco prevention activities.

SAPTA is responsible for the implementation of the Synar prevention and control regulations in partnership with the Nevada Department of Justice, Office of the Attorney General. Additionally, collaborative arrangements exist with other public programs related to tobacco prevention which are described under section a. of this question.

На	as the responsible agency changed since last year's Annual Synar Report?
	Yes No
a.	Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies
	Are the same
	Have a formal written memorandum of agreement
	Have an informal partnership
	○ Conduct joint planning activities
TTarva a41	an callaborativa aman coment(s) (Dlana darwita) In addition to begin a su Interlace

Agreement with the Nevada Department of Justice, Office of the Attorney General, who manages and completes Synar inspections, SAPTA is the Single State Agency for the SAPT Block Grant. Consequently, there is significant coordination and collaboration between the Agency and the primary prevention programs it funds. Additionally, SAPTA works closely with the Center for Disease Control and Prevention (CDC) funded Tobacco Control Project. That program is housed in the Nevada State Health Division. The goals of the Tobacco Control Project are as follows: to prevent the initiation of tobacco use among young people; to promote quitting among young people and adults; to eliminate nonsmokers' exposure to environmental tobacco smoke; and to identify and eliminate the disparities related to tobacco use and its effects among different population groups. Nevada's goals match national tobacco control goals.

SAPTA is also a member of the Nevada Tobacco Prevention Coalition (NTPC) having joined the coalition in 2001. NTPC is a coalition of agencies and individuals whose purpose is to decrease the high prevalence of tobacco use in Nevada.

NTPC does this by raising awareness to Nevada's decision makers and Nevada citizens about issues related to tobacco use and industry marketing. Also, NTPC is actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations. The NTPC's strategy encompasses the belief that a tobacco free environment and a focus on youth will produce a healthier Nevada.

Four major programs were established by the State of Nevada with the tobacco settlement money. First, the Millennium Scholarship provides tuition assistance to Nevada youth who maintain a slightly better than "B" average throughout high school. Second, the prescription insurance plan subsidizes prescription costs of senior citizens living below a certain income level. Third, 10% of the tobacco settlement money is allocated to a public health trust fund to promote public health and programs for disease or illness prevention, research issues related to public health, and provide direct health care services to children and senior citizens. Fourth, the *Task Force for The Fund for a Healthy Nevada* was established to: solicit public input; establish a process to evaluate health needs; ensure that tobacco control programs are funded; ensure that

programs for children, people with disability, and senior citizens are funded; ensure that tobacco settlement money is not used to supplant existing methods of funding; and to develop policies for distribution of grants. By statute, 20% of tobacco settlement monies must go to fund tobacco control projects.

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

a. Which one of the following describes the enforcement of youth actobacco laws carried out in your State? (Check one category only.)				
	☐ Enforcement is conducted exclusively by local law enforcement agencies.			
	Enforcement is conducted exclusively by State agency(ies).			
	Enforcement is conducted by both local <u>and</u> State agencies.			

b. The following items concern penalties imposed for violations of youth access to tobacco laws by <u>LOCAL AND/OR STATE LAW ENFORCEMENT</u>

<u>AGENCIES.</u> Please fill in the number requested. If State law does not provide for tobacco retailer license/permit suspension or revocation, please mark "NA."

The Attorney General's Office combines Synar inspections with enforcement. The Office has been conducting compliance inspections at least twice per year at every retail outlet in the Synar database. Synar sample and enforcement inspections resulted in a total of 103 citations between 10/1/07 and 7/31/08. All citations were misdemeanor criminal charges issued to the person who made the sale of tobacco to the under age youth.

Currently, the Attorney General's Office receives disposition results pursuant to procedures of various courts, and not all courts provide disposition results to the Office. Therefore, it has been necessary for the Office to research various court records to obtain available disposition results. The Tobacco Unit has worked closely with the courts to coordinate the receipt of dispositions, and have achieved some success. Effective January 1, 2008, the Tobacco Administrative Assistant telephones each court on a regular basis to track and monitor the status of tobacco citations. Based on these telephone calls, court appearances, case status, and court dispositions are tracked and monitored. The information obtained from the courts is managed using MS Excel. For dispositions not received from the courts, the tobacco investigator who issues the citation attempts to obtain the disposition(s) from the court(s).

There is a lag time, which varies by court, for citations to make it to an initial appearance. The following table details the disposition results for the citations described above.

PENALTY	OWNERS	CLERKS	TOTAL
Number of citations issued	NA	103	103
Number of fines assessed	NA	42	42
Number of permits/licenses suspended	NA		NA
Number of permits/licenses revoked	NA		NA
Other (Please describe.) Dismissed by Court	NA	9	9
Ordered to take WE CARD class	NA	9	9
Fine Suspended	NA	8	8
Warrant Issued	NA	7	7
Pled guilty/no information on sentence	NA	7	7
Set for pretrial	NA	3	3
Lost in court system or no court info	NA	2	3
No information	NA	16	16

c.	What additional activities are conducted in your State to support enforcement
	and compliance with State tobacco access law(s)? (Check all that apply.)

Briefly describe all checked activities:

Merchant Education/Industry Partnering.

Nevada law requires that, after a retail outlet is investigated, a written report of each compliance check be mailed to that particular retailer. The cover letter that accompanies every report encourages on-going training and includes the toll free telephone number for the WE CARD program. Various merchant education flyers are sent along with the report.

The Attorney General's Office continues to provide compliance checks results by FAX rather than by USPS mail to corporations owning multiple outlets. This program continues to be popular; hence it has been extended to all stores. Receiving the results of compliance checks by FAX rather than mail speeds up notification, and it is anticipated that early notification assists the retailer in preventing future violations.

State Attorneys General, including the Nevada Attorney General, have executed several agreements entitled "Assurance of Voluntary Compliance" (AVC) with major retail chains. Launched in 2000, the multi-state enforcement effort by a group of Attorneys General focuses on retailers with poor records of selling tobacco products to minors. The enforcement program's goal is to secure the companies' agreement to take specific corrective actions. The agreements incorporate "best practices" to reduce tobacco sales to minors, which were developed by the Attorneys General in consultation with researchers and state and federal tobacco control officials. Nevada is a party to AVC's which cover all Wal-Mart, Walgreens, CVS and Rite Aid stores, and all gas stations and convenience stores operating under the 7-Eleven, ARCO, BP Amoco, ExxonMobil, ConocoPhillips, and Chevron brand names. In 2007, the Nevada Attorney General executed an AVC with the Kroger Company dba Smiths in Nevada and will soon execute another AVC with Shell/Motiva.

The Nevada Attorney General reports violations to the corporate offices of all those corporations that signed AVC's so that the corporation may take action if the franchisee failed to report the violation(s). The AVC's are a positive and effective step towards precluding the sale of tobacco to minors.

Merchant Incentives.

The Attorney General's Office sends out congratulatory letters to all outlets that do not sell to minors during compliance checks. In addition, when a retail clerk does not sell to underage youth, the investigator presents the clerk with a WE CARD congratulatory card and lapel pin.

In addition, the Attorney General's Office provides Philip Morris, Lorillard, 7-Eleven and Terrible Herbst's with a monthly report of stores which had clerks cited for illegal tobacco sales. The reports are used by the companies to withhold retail benefits from individual stores for a future designated month. Because the withheld benefits can be up to \$2,000 per month, it is presumed this is an incentive to motivate retailers to provide proper training for their clerks.

Tobacco Industry Partnering.

Along with several other Attorney's General of MSA states, Nevada's Attorney General, signed the Protocol Regarding Remote Sales of Cigarettes with Philip Morris USA and Lorillard Tobacco.

The protocols provide for the: (a) termination of shipments of cigarettes to any of Philip Morris USA or Lorillard's direct customers that the Attorneys General have found to be engaging in illegal Internet and mail order sales; (b) reduction in the amount of product made available to direct customers found by the

Attorneys General to be engaged in the illegal re-sale of Philip Morris USA or Lorillard's cigarettes to the Internet vendors; and (c) suspension from the companies incentive programs any retailer found by the Attorneys General to be engaging in such illegal sales.

Additionally, the Nevada Attorney General's Office sends reports of vendors who sell tobacco products to minors to Phillip Morris and Lorillard.

Media Use.

the survey results:

Press releases are issued when an AVC is executed. Additionally, the Nevada Attorney General's Office is responsible for ensuring compliance with the Master Settlement Agreement (MSA), which includes provisions concerning youth smoking. Generally, press releases regarding the MSA will contain information and statistics on the retail tobacco enforcement program.

d. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey?

✓ Yes ✓ No

If "Yes" to 5d, please describe the State's procedure for minimizing risk of bias to

Inspection protocols remain the same regardless of Synar. There is no bias because compliance checks are done throughout the state as part of overall enforcement and prevention efforts aimed to reduce sales to youth.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

6.	Has the sampling methodology changed from the previous year? \(\subseteq \text{Yes} \sumseteq \text{No} \)
	The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling
	Methodology (Appendix B). If the sampling methodology changed from the previous
	reporting year, these changes must be reflected in the methodology submitted.

- 7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets (see 45 C.F.R. 96.130(d)(2)).
 - a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?

 ☐ No

If **Yes**, attach SSES summary tables 1, 2, 3, 4 and 5 along with the ASR submission and go to Question 8. If **No**, continue to Question 7b.

b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

Unweighted RVR

	Weighted RVR								
	Standard error (s	s.e.) of	the (weig	ghted) J	RVR				
	Fill in the blanks to calculate the <u>right limit</u> of the right-sided 95% confidence interval.								
		+	(1.645	×)		=	
	RVR Estimate	plus	(1.645	times	Standa	ard Erro	or)	Equals	Right Limit
c.	Fill out Form 1 in design.)	ı Appe	endix A (I	Forms).	. (Requi	red rega	rdles	s of the s	sample
d.	How were the (weighted) RVR estimate and its standard error obtained? (Check the one that applies.)								
	☐ Form 2 (Option ☐ Other (Please s the program co	specify.	. Provide	formula	ae and co	alculatio	ons oi	r attach d	and explain
e.	If stratification w or cluster this yea		_ ′			_		ain only	one outlet
	If Yes, explain how	v this s	situation v	vas deal	lt with in	ı variand	ce est	imation.	
f.	Was a cluster san	nple d	esign use	 ed? □ `	Yes	No			
	If Yes , fill out and following question		Form 3 i	in Apper	ıdix A (F	Forms 1-	–5), a	ınd answ	er the
	If No, go to Questi	ion 7g.							
	Were any certain	ity pri	mary san	npling ι	ınits sel	ected th	is ye	ar? 🔲	Yes No
	If Yes, explain how	v the c	ertainty c	lusters	were dec	alt with i	in var	riance es	timation.
g.	Report the follow	ing ot	ıtlet samı	ple sizes	s for the	Synar :	surve	e y.	
								1	Sample Size
	Effective sample size equirement assuming si				t the SAM	IHSA prec	cision		
	Target sample size (theffect)	ne produ	act of the ef	fective sa	imple size	and the d	lesign		
	Original sample size cample attrition due to in					ple to cou	ınter th	ıe	
F	Eligible sample size (number	of outlets f	ound to b	e eligible	in the san	nple)		
	Final sample size (number of eligible outlets in the sample for which an inspection was completed)								

	h.	Fill out Form 4 in Appendix A (Forms 1–5).
8.	Did the	State's Synar survey use a list frame? 🖂 Yes 🗌 No
	If ?	Yes, answer the following questions about its coverage.
	a.	The calendar year of the latest frame coverage study: 2008
	b.	Percent coverage from the latest frame coverage study: 99
	c.	Was a new study conducted in this reporting period? ⊠Yes ☐ No
		If Yes , please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.
	d.	The calendar year of the next coverage study planned: 2009
9.	Has the	Synar survey inspection protocol changed from the previous year?
	Yes Yes	⊠ No
	protocol (Append	e is required to have an approved up-to-date description of the Synar inspection on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (ix C). If the inspection protocol changed from the previous year, these changes must exted in the protocol submitted.
	a.	Provide the inspection period: From $\frac{10/01/07}{MM/DD/YY}$ To $\frac{07/16/08}{MM/DD/YY}$
	b.	Provide the number of youth inspectors used in the current inspection year:
		10 (Three youth inspectors had birthdays which is also denoted at the bottom of table 4, which shows that there were 13.)
		NOTE: If the State uses SSES, please ensure that the number reported in 9b matches that reported in SSES Table 4, or explain any difference.
	c.	Fill out and attach Form 5 in Appendix A (Forms 1–5). (Not required if the State

used the Synar Survey Estimation System (SSES) to analyze the Synar survey data.)

SECTION II: FFY 2009 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1.	In the upcoming year, does the State anticipate any changes in the:
	Synar sampling methodology Yes No
	Synar inspection protocol \square Yes \boxtimes No
	If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.
2.	Please describe the State's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2009. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.
	The Attorney's General's Office continues to review internal procedures and practices to strengthen the retail tobacco enforcement program. The Office is in the initial phase of developing an Internet tobacco sales compliance program that will address sales of tobacco products to underage purchasers. Interviews for an Internet Compliance Investigator were recently conducted and it is anticipated the position will be filled shortly.
	The Attorney General's Office has continued to maintain its comprehensive list of approximately 295 businesses that may have cigarette vending machines or that may sell tobacco products as a sideline (bowling centers and golf courses). The tobacco investigators use the list to conduct compliance checks at these locations to ensure that all cigarette vending machines are placed in adult only areas, and that the entities which sell tobacco products as a sideline are fully compliant with Nevada law prohibiting underage sales.
3.	Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply.)
	Limitations in the State youth tobacco access laws
	Limited public support for enforcement of youth tobacco access laws
	Limitations on completeness/accuracy of list of tobacco outlets
	Limited expertise in survey methodology
	Laws/regulations limiting the use of minors in tobacco inspections
	☐ Difficulties recruiting youth inspectors

Geographic, demographic, and logistical considerations in conducting inspections
Cultural factors (e.g., language barriers, young people purchasing for their elders)
☐ Issues regarding sources of tobacco under tribal jurisdiction
Other challenges (<i>Please list.</i>)
Briefly describe all checked challenges and propose a plan for each, or indicate the

Briefly describe all checked challenges and propose a plan for each, or indicate the State's need for TA related to each relevant challenge.

Limited Resources.

The Reno and Las Vegas metropolitan areas are experiencing business turnover. In an effort to maintain a current list of tobacco vendors, the Tobacco Unit Investigators record changes in ownership and location of vendors while they are conducting their tobacco inspections. The investigators also conduct inspections of any new store selling tobacco products they encounter while they are performing inspections. Additionally, the Tobacco Unit Administrative Aid will begin receiving reports from independent third party sources (Polk City Directory) that will outline new businesses in the state that may be selling tobacco products. These reports will be used to supplement the field work done by the tobacco investigators. This new information will be added to the State's vendor list.

Like many other states across the country, Nevada is in the midst of a budget crisis. However, the tobacco unit is not down-sizing its work force. It is anticipated that a new position for an internet compliance investigator will be filled in the near future. Unfortunately, the tobacco investigator position in southern Nevada was vacant last year for over 6 months due to employee turn-over. This accounts for the reduced number of total compliance checks in FY 08. Further, the youth inspector distribution rate was 90 % male due to the lack of a female youth inspector in Southern Nevada during this time. Additionally, because of this manpower shortage, some Synar stores were only inspected once during the time frame of this report. The investigator position was filled in February, 2008.

Geographic, demographic, and logistical considerations in conducting inspections.

Nevada is geographically a large state that is sparsely populated outside of its main metropolitan centers in the north (Reno) and south (Las Vegas). As such, costs per inspection due to travel are relatively high, particularly in outlying areas. Weather and overnight in-state travel pose additional management concerns in trying to get to those outlying areas as well. However, the logistical considerations faced in completing the Synar checks are no different than those typical to many other State run programs.

Issues regarding sources of tobacco under tribal jurisdiction.

Nevada has numerous Indian tribes that sell tobacco products on their reservations. Due to the sovereignty afforded the tribes and the related jurisdictional issues, the State's enforcement agents are precluded from engaging in tobacco compliance check operations on tribal property.

APPENDIX A: FORMS 1–4

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	Nevada
Federal Fiscal Year (FFY)	2009
Date	11/7/2008 9:14
Data	SSES Export.XLS
Analysis Option	Stratified SRS with FPC

Estimates

5.2%
5.2%
1.1%
YES
[0.0%, 6.9%]
[3.1%, 7.2%]
1.0
89.7%
89.7%
97.5%

Sample Size for Current Year

Effective Sample Size	319
Target (Minimum) Sample Size	319
Original Sample Size	399
Eligible Sample Size	358
Final Sample Size	349
Overall Sampling Rate	19.8%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)

STATE: Nevada FFY: 2009

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
					All O	utlets					
1	1	1,968	1,766	N/A	N/A	399	358	349	18	52%	
Total		1,968	1,766			399	358	349	18	5 .2 %	1.1%
				O	ver the Cou	ınter Outlet	s				
1	1	1,968	1,766	N/A	N/A	398	358	349	18	5 2 %	
Total		1,968	1,766			398	358	349	18	5 2 %	1.1%
	Vending Machines										
1	1	0	0	N/A	N/A	1	0	0	0	0.0%	
Total		0	0			1	0	0	0	0.0%	0.0%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: Nevada FFY: 2009

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	349	
Total (Eligible Com		349	
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	6	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	0	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	0	
N8	Run out of time	3	
N9	Other noncompletion	0	
Total (Eligible Non	completes)		9
l1	Out of Business	16	
12	Does not sell tobacco products	4	
13	Inaccessible by youth	4	
14	Private club or private residence	0	
15	Temporary closure	8	
16	Unlocatable	9	
17	Wholesale only/Carton sale only	0	
18	Vending machine broken	0	
19	Duplicate	0	
110	Other ineligibility	0	
Total (Ineligibles)			41
Grand Total			399

STATE: Nevada FFY: 2009

Frequency Distribution

Gender		Number of	Attempted	Successful
Gender	Age	Inspectors	Buys	Buys
Male	14	0	0	0
	15	3	75	2
	16	5	215	10
	17	2	30	4
	18	0	0	0
	Subtotal	10	320	16
Female	14	0	0	0
	15	1	12	1
	16	1	3	1
	17	1	14	0
	18	0	0	0
	Subtotal	3	29	2
Other		0	0	0
Grand Total		13	349	18

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	2.7%	8.3%	3.4%
16	4.7%	33.3%	5.0%
17	13.3%	0.0%	9.1%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	5.0%	6.9%	5.2%

Note: No more than eight youth inspectors are employed at one time. Only ten youth inspectors were used to complete Synar sample inspections this past year; but, three had birthdays and were therefore counted in two age groups bringing the total shown above to 13.

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

				State: Nevada			
				FFY: 2009			
1.	What typ	pe of samp	oling frame is used?				
	⊠ 1	List frame	(Go to Question 2.)				
		Area frame	e (Go to Question 3.)				
	List-assisted area frame (Go to Question 2.)						
2.	List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4.) Use the corresponding number to indicate Type of Source in the table below. 1 – Statewide commercial business list 2 – Local commercial business list 5 – Statewide liquor license/permit list 5 – Other						
Jame of Frame Type of							
		Type of Source	Description	Updating Method and Cycle			
S			Description MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database.			
ynar I	D atabase	Source 6	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database.			
ynar I	D atabase	Source 6	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database.			
ynar I	Database If an area a.	Source 6 a frame is Is any are	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections. used, describe how area sampling the left out in the formation of the	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database. In units are defined and formed.			
synar:	Database If an area a.	Source 6 a frame is Is any are If Yes, who egulation	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections. used, describe how area sampling that a left out in the formation of the last percentage of the State's popular	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database. area frame? Yes No tion is not covered by the area frame? be inspected as part of the Synar			
synar:	Database If an area a. Federal r survey. A	Source 6 a frame is Is any are If Yes, who regulation Are vending	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections. used, describe how area sampling that a left out in the formation of the at percentage of the State's popular requires that vending machines	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database. area frame? Yes No tion is not covered by the area frame? be inspected as part of the Synar ar survey? Yes No			
synar:	Database If an area a. Federal r survey. A	Source 6 a frame is Is any are If Yes, who regulation Are vending to, please i	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections. used, describe how area sampling that percentage of the State's popular requires that vending machines are machines included in the Synamics.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database. area frame? Yes No tion is not covered by the area frame? be inspected as part of the Synar ar survey? Yes No			
synar:	If an area a. Federal r survey. A	Source 6 a frame is Is any are If Yes, who regulation Are vending o, please it State law b	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections. used, describe how area sampling the left out in the formation of the last percentage of the State's popular requires that vending machines are machines included in the Synamicate the reason they are not incompliance.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously updated into the frame database. In units are defined and formed. Area frame? Yes No Ition is not covered by the area frame? Be inspected as part of the Synar ar survey? Yes No Soluted in the Synar survey.			

Other (Please describe.)

5.	Which of	category below best describes the sample design? (Check only one.)
		Census (STOP HERE: Appendix B is complete.)
	Ur	nstratified State-wide sample:
	\boxtimes	Simple random sample (Go to Question 9.)
		Systematic random sample (Go to Question 6.)
		Single-stage cluster sample (Go to Question 8.)
		Multi-stage cluster sample (Go to Question 8.)
	St	ratified sample:
		Simple random sample (Go to Question 7.)
		Systematic random sample (Go to Question 6.)
		Single-stage cluster sample (Go to Question 7.)
		Multi-stage cluster sample (Go to Question 7.)
		Other (Please describe and go to Question 9.)
7.	Provide	the following information about stratification.
	a.	
		Provide a full description of the strata that are created.
		Provide a full description of the strata that are created.
	b.	Provide a full description of the strata that are created. Is clustering used within the stratified sample?
	b.	Is clustering used within the stratified sample?
	b.	
8.		Is clustering used within the stratified sample? Uses (Go to Question 8.)
8.	Provide	Is clustering used within the stratified sample? Yes (Go to Question 8.) No (Go to Question 9.)
8.	Provide	Is clustering used within the stratified sample? Yes (Go to Question 8.) No (Go to Question 9.) the following information about clustering. Provide a full description of how clusters are formed. (If multi-stage clusters are
8.	Provide a.	Is clustering used within the stratified sample? Yes (Go to Question 8.) No (Go to Question 9.) the following information about clustering. Provide a full description of how clusters are formed. (If multi-stage clusters are
8.	Provide a.	Is clustering used within the stratified sample? Yes (Go to Question 8.) No (Go to Question 9.) the following information about clustering. Provide a full description of how clusters are formed. (If multi-stage clusters are used, give definitions of clusters at each stage.) Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

The SSES Sample Size Calculator was used to determine the minimum adequate sample size. To ensure the study meets SAMHSA's precision requirement, a safety margin of 20% was used.

When using SSES sample size calculator, the formula shown on the next page is used for calculating a sample size using a two tail test:

Effective sample size:

$$n_e = \frac{1}{\left(\frac{(s.e.)^2}{P(1-P)} + \frac{1}{N}\right)}.$$

where *P* is last year's Retailer Violation Rate, s.e. is the standard error of the estimate for the margin of error for two-sided confidence interval, and *N* is the total number of outlets in the sampling frame.

The target sample size (n_t) is the same as the effective sample size for simple random sampling.

The original sample size is determined by:

$$n_o = (1+s)\frac{n_t}{r_l r_c} \,,$$

where s is a safety margin, r_l is the expected eligibility rate, and r_c is the expected completion rate.

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: Nevada **FFY:** 2009 Note: Attach a copy of the inspection form and protocol used to record the inspection result. 1. How does the State Synar survey protocol address the following? a. Consummated buy attempts? **Required** Not Permitted Not specified in protocol Permitted under specified circumstances b. Youth inspectors to carry ID? Not Permitted Required Required Not specified in protocol Permitted under specified circumstances c. Adult inspectors to enter the outlet? Required Not Permitted Permitted under specified circumstances Not specified in protocol d. Youth inspectors to be compensated? Not Permitted ⊠ Required Permitted under specified circumstances Not specified in protocol 2. Identify the agency(ies) or entity(ies) that actually conduct the random, unannounced **Synar inspections of tobacco outlets.** (Check all that apply.) \times Law enforcement agency(ies) State or local government agency(ies) other than law enforcement Private contractor(s) Other List the agency name(s): State of Nevada Office of the Attorney General 3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

The Nevada Attorney General's Office generally employs eight youth inspectors (four in Southern Nevada and four in Northern Nevada). They are recruited through various means including high school counselors and law enforcement scouting groups. Only eight youth may be employed at one time. The ages of the youth range from 15 years of age to 17 years of age. Great care is taken to select youth whose appearance fits the age criteria. Once a new youth hire has been fully trained and has a grasp of the compliance check protocol, the new youth hire accompanies an experienced youth employee and an investigator in the field where purchase attempts are observed first hand by the new hire. To enhance youth inspector training, the Attorney General's Office plans to begin building a youth inspector training manual that will be given to each youth inspector.

The Attorney General's Office also employs two full time investigators (one in Southern Nevada and one in Northern Nevada) who supervise the youth in conducting the compliance checks. The investigators are Nevada POST certified law enforcement officers. To recruit investigators, the Attorney General's Office Investigation Division seeks internal as well as external candidates. Complete background checks are completed for all viable candidates. While all Attorney General Investigators have a general policy and procedure manual, the tobacco unit plans to begin building a tobacco investigator training manual that is specifically tailored to the tobacco investigator position.

Currently the Attorney General's Office is developing an Official Manual which was recommended by the CSAP Core Review that was done during this Synar report year. The current polices and the Letter of Hire are attached to Appendix C.

5.		•	d or procedural requirements instituted by the State to address sectors' immunity when conducting inspections?		
	a.	Legal	Yes No (If Yes, please describe.)		
	b.	Procedural	☐ Yes ⊠ No (If Yes, please describe.)		
6.	the issue process	e of the safety	of youth inspectors during all aspects of the Synar inspection Yes No (If Yes, please describe.)		
	a.	Legai	Tes \(\sigma\) (i) Tes, pieuse describe.)		
	b.	Procedural	Yes No (If Yes, please describe.)		
	When possible, investigators are required to accompany the youths into the sto where tobacco is sold. In addition, investigators are directed not to conduct an inspection if they observe any law enforcement activity or any activity that may a threat to the safety of the youth (e.g. illegal drug purchases). Furthermore, the				

WE CARD congratulatory card and lapel pin are not distributed if there is any possible threat to the safety of the underage youth.

7.	inspection	re any other legal or procedural requirements the State has regarding how ons are to be conducted (e.g., age of youth inspector, time of inspections, that must occur)?						
	a.	Legal	Yes No (If Yes, please describe.)					
	b.	Procedural	Yes No (If Yes, please describe.)					
		checks; minors	, and seventeen year old minors are used to conduct compliance younger than fifteen and older than 17 are not used. Fifteen year not work outside the hours of 7:00 a.m. to 7:00 p.m.					
			ge is a copy of the Tobacco Compliance Check form used to collect on locations. The form is based on current procedures.					

Note: This inspection form was used for the Synar Inspections this year. The following page has a Preliminary Inspection form, to be approved by CSAP for the upcoming year to streamline data.

Office of the Attorney General Tobacco Compliance Check

Retailer Information

Unique ID:
Prior Inspection:
Prior Inspection Results

	Prior Inspection Results									
	Status: Please check the appropriate box for the business classification:									
Please check the	appropriat	e box for the bus	iness classificatio	n:						
Gen Merch SM/Grocery Conven Conv/Gas Gas Drug Tobacco Gift Shop Other						Other				
☐ Does Not S	ell Tobaco	р 🗌 Ви	ısiness Temporari	ly Close	ed [Out of Bu	usiness	Unsatisfactory C	Conditions	
☐ Vending Ma	☐ Vending Machine ☐ Vending Machine Removed ☐ Not Allowed									
If the retailer infor	mation is n	ot correct, pleas	e check the appro	priate t	oox(es):					
Business N	ame Chan	ge	Ow	ner Cha	ange			Address Change	:	
Date of Check:	Date of Check: Time of Che			heck (Milifary): Minor ID:			Minor's initials:			
Result of minor's	attempt to	l purchase tobaco	o product:							
ID Requested:	A	ge Asked:	Sale Complet	Sale Completed: Minor's		's Age:		Minor's DOB:		
Yes		☐ Yes	Yes No							
□ No		□ No								
Retall Clerk:	Retall	Clerk's Name:		Retall Clerk's Position:			Register Location:			
☐ Male										
Female				<u> </u>						
Officer witnesse	ed transacti	on?	Attempted purchase Item							
Yes			☐ Cigarettes							
□ No	□ No			☐ Smokeless To			Tobacco	Ibacco		
Officer's sinnatu	IFD.			-	Officer's name (please print)					
Officer's signature				Officer's name (please print)						
Additional Comments										
Prior Inspections:										
Filot itispections.										
Yes No Clerk's name:			Yes No Clerk's name:			Yes No Clerk's name:				

If sale completed, follow Evidence Collection Procedures.

Office of the Attorney General, Tobacco Compliance and Enforcement Unit May 2007

Office of the Attorney General

Tobacco Compliance Check

Retailer Information

Unique ID: Prior Inspection: Prior Inspection Results

Status:						
Please check the	Please check the appropriate box for the business classification:					
Gen Merch	Gen Merch SM/Grocery Conven Conv/Gas Gas Drug Tobacco Gift Shop Other					
Vending Mach	ine (I10) Bus	siness Temporarily (Closed (I5) Does Not Sell To	obacco (I2) Unsatis Conditions (N2)		
Vending Mach	ine Removed (I10) Clo	sed at visit time (N1) Tobacco out of s	stock (N7) Not Allowed (I3)		
	Vending Machine Broken (I8) Run out of time (Synar year) (N8) Out of Business (I1) Unlocatable (I6)					
If the retailer infor	mation is not correct, please	e check the appropri	ate box(es):			
Business Na	me Change	Owner	r Change	Address Change		
Date of Check:	Time of Che	eck (Military):	Minor ID:	Minor's Initials:		
Result of minor's	attempt to purchase tobacco	o product:				
ID Requested:	Age Asked:	Sale Completed:	: Minor's Age:	Minor's DOB:		
Yes	Yes	Yes				
□ No	□ No	☐ No				
Retail Clerk:	Retail Clerk's Name:		Retail Clerk's Position:	Register Location:		
☐ Male						
Female						
Officer witnessed transaction?		Attempted purchase		m:		
Yes			Cigarettes			
□ No			Smokeless Toba	Tobacco		
			Other			
Officer's signatu	re		Officer's name (please)	print)		
			_			
			1			
Additional Comments						
Prior Inspections:						
☐ Yes ☐	No	☐ Yes ☐] No	Yes No		
Clerk's name:		Clerk's name:		Clerk's name:		
#Error		#Emor		#Error		

If sale completed, follow Evidence Collection Procedures.

Office of the Attorney General, Tobacco Compliance and Enforcement Unit Preliminary Nov 2008 This form letter is used to hire Youth Inspectors:



STATE OF NEVADA OFFICE OF THE ATTORNEY GENERAL

5420 Kietzke Lane, Suite 202 Reno, Nevada 89511

CATHERINE CORTEZ MASTO Attorney General

KEITH MUNRO

Assistant Attorney General

JIM SPENCER Chief of Staff

October 14, 2008

Dear Program Participant and Parent,

Thank you for your interest in the Office of the Attorney General's Tobacco Compliance Program. The purpose of this letter is to provide you with a description of the Compliance Program and duties of the program participant.

Pursuant to NRS 202.2493, it is illegal to sell tobacco products to a minor, which by law is a person under the age of 18. The purpose of the Tobacco Compliance Program is to curtail the illegal sale of tobacco to minors. The participant accompanies an investigator and performs "sting" operations in convenience stores, gas stations, grocery stores and any other retail location that sells tobacco products. The participant enters the store and attempts to purchase tobacco products. The participant is required to present legal identification if asked for by the clerk and, if asked his or her age, must answer truthfully. The goal of this program is to ensure compliance with NRS 202.2493, which prohibits the sale of tobacco to a minor, not to "trap" or coerce a clerk into performing an illegal transaction.

An investigator accompanies the participant at all times, as the participant's safety is the primary concern of the investigator throughout the implementation of this program. If an illegal transaction is conducted between the participant and a retail clerk, the participant will be safely escorted out of the location before the investigator approaches the clerk regarding the violation.

There will be five program participants operating out of Northern Nevada. Each participant must be available to work a maximum of 20 hours during a 2-week period. On the second week of each month, the participant must provide the investigator with a schedule of available hours for the next month.

The investigator will then create a schedule for that month and provide it to the participant. In preparing the participant's work schedule, the investigator will make every effort to work around extra-curricular activities and evenly disperse the workload and hours available

among the five program participants.

The investigator will provide the participant and his/her parents with a list of office phone numbers to ensure effective communication in the event of an unforeseen occurrence that would require another participant to cover a scheduled work shift. If a participant is not available for their scheduled shift due to an illness or other excused absence, the participant shall inform the investigator of such absence as soon as possible.

Each participant will become a State of Nevada employee and will be hired as a Temporary Aide II. The participant will be compensated at a rate of \$9.35 an hour. To complete the required paperwork the participant will need the following items:

- 1. Completed State of Nevada Application.
 - a. Title of job Applying for: Temporary Aide II
- 2. Parental Consent Form signed by custodial parent.
- 3. Two (2) forms of identification.
- 4. Beneficiary Information
 - a. Name
 - b. Date of Birth
 - c. Social Security Number
 - d. Complete Address

If I can be of any assistance or provide additional information, please contact me at the number listed below.

Sincere regards,

CATHERINE CORTEZ MASTO Attorney General

Ву	<u>:</u>	
•	Gregory M. Smith	
	Chief of Investigations	

This document has been used for Inspection training:

D. NRS 202.2496

Random inspections to enforce compliance with NRS 202.2493 and 202.2494; assistance of child in conducting inspection.

- 1. As necessary to comply with applicable federal law, the attorney general shall conduct random, unannounced inspections at locations where tobacco and products made from tobacco are sold, distributed, or offered for sale to inspect for and enforce compliance with NRS 202.2493 and 202.2494. For assistance in conducting any such inspection, the attorney general may contact with:
 - (a) Any sheriff's department;
 - (b) Any police department; or
 - (c) Any other person who will, in the opinion of the attorney general, perform the inspection in a fair and impartial manner.
- 2. If the inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child's parent for such assistance.
- 3. A child assisting in an inspection pursuant to this section shall, if questioned about his age, state his true age and that he is under 18 years of age.
- 4. If a child is assisting in an inspection pursuant to this section, the person supervising the inspection shall:
 - (a) Refrain from altering or attempting to alter the child's appearance to make him appear to be 18 years of age or older.
 - (b) Photograph the child before beginning a round of inspections. If a sale is completed, the investigator shall retain any photographs taken of the child pursuant to this paragraph.
- 5. The person supervising an inspection using the assistance of a child shall, within a reasonable time after the inspection is completed:
 - (a) Inform the representative of the business establishment from which the child attempted to purchase tobacco or products made from tobacco that an inspection has been performed and the results of that inspection.
 - (b) Prepare a report regarding the inspection. The report must include the following information:
 - (1) The name of the person who supervised the inspection and the position held by him;

- (2) The age and date of birth of the child who assisted in the inspection;
- (3) The name and position of the person from whom the child attempted to purchase tobacco or products made from tobacco;
- (4) The name and address of the establishment at which the child attempted to purchase tobacco or products made from tobacco;
- (5) The date and time of the inspection; and
- (6) The result of the inspection, including whether the inspection resulted in the sale, distribution, or offering for sale of tobacco or products made from tobacco to the child.
- 6. No civil or criminal action based upon an alleged violation of NRS 202.2493 or 202.2494 may be brought as a result of an inspection for compliance in which the assistance of a child has been enlisted unless the inspection has been conducted in accordance with the provision of this section.

Section III: Tobacco Compliance Investigations

300 Procedures

A. Compliance Checks

- 1. The Tobacco Compliance Investigator will supervise the conduct of each compliance check. The youth assisting in the check shall follow all directions of the investigator.
- 2. The investigator shall park the vehicle where the vehicle shall not be observed by the staff of the store where the compliance check is being conducted.
- 3. The youth shall enter the store a few seconds before the investigator.
- 4. The investigator will then enter the store (unless the investigator concludes that the store staff will observe there is a compliance check being done).
- 5. The team will identify a counter where tobacco products may be purchased.
- 6. The youth shall ask the clerk for a particular brand of cigarettes or other tobacco product.
 - (a) If the store staff asks the youth how old the youth is, the youth shall respond truthfully and state his or her true age.
 - (b) If the store staff asks for a photo ID, the youth may present his or her own photo ID if:

- (1) Prior written parental consent is on file with the Attorney General's Office; and
- (2) If the youth obtained the photo ID at his or her own request and not at the implied or expressed direction of the Attorney General's Office.
- (c) If the youth is asked if he or she works for a law enforcement agency, the youth shall not answer the question and shall immediately leave the store. They shall not identify himself or herself as working for the Attorney General's Office, State of Nevada, or other law enforcement agency at any time during a compliance check.

B. Violations

- 1. If cigarettes or other tobacco product is sold to the youth, the investigator shall accompany the youth to the vehicle. The youth shall lock the vehicle while the investigator re-enters the store to issue a citation to the sales staff or store.
- 2. The investigator shall identify himself or herself as being with the Attorney General's Office to the sales staff. If necessary, the investigator shall inform store management that a citation is being issued to the clerk or store or both so that the management may provide other staff to keep the cash register operating.
- 3. The investigator shall request the sales staff to provide some form of photo ID to complete the citation.
- 4. Upon completion of the citation, the sales staff shall be asked to sign the citation only to establish that the sales staff received the citation and not to establish a violation.

C. Student Photo Identification

If during the compliance check the sales staff retains the youth's photo ID for any reason, the youth should leave the store or area. The investigator shall approach the sales staff who is retaining the photo ID and identify himself or herself as working for the Attorney General's Office and ask the sales staff to return the photo ID to the investigator. If the sales staff refuses to return the photo ID, the investigator shall contact either security within the building or local enforcement for assistance in obtaining the photo ID.

D. Investigator Discretion

The investigator has the discretion to not issue a citation for any compliance check. If the investigator chooses to not issue a citation, the investigator shall write on the compliance check of the reason(s) why a citation was not issued.

If in the rare circumstance that an investigator happens to witness an illegal sale of tobacco to a minor that is not the tobacco aide, the investigator shall issue a warning to the clerk, not a citation. The investigator shall complete the appropriate

paperwork. The citation can be issued only if the clerk sells the tobacco product to the tobacco aide.

E. Full Compliance

If cigarettes or other tobacco products are not sold to the youth, the youth shall immediately leave the store. After the youth has left the store, the investigator shall give to the sales staff who refused the purchase request a congratulatory card with a small lapel pin attached. The investigator may answer any questions that the clerk or the store staff may have, but shall make every effort to deliver the card-pin to the clerk promptly and depart from the store.

Section IV: Safety Issues

- A. When working outside of Clark and Washoe Counties, each investigator shall give notice to the applicable law enforcement agencies that they will be conducting compliance checks in their geographical location. Notice may be by a telephone call to the applicable local law enforcement agency a reasonable time before the checks are to be conducted without disclosing the exact date.
- B. In Clark and Washoe Counties, the local investigator shall telephone the applicable local law enforcement agencies once every six months to remind the local law enforcement agency that the investigator conducts compliance checks on most work days.
- C. The investigator shall wear bullet proof vests that are provided by the Attorney General's Office during all compliance checks conducted outside of Washoe and Clark Counties. The investigator conducting compliance checks shall decide, in the discretion of the individual investigator, if the investigator wears the bullet proof vest during compliance checks in Washoe and Clark Counties.
- D. Upon completion of a compliance check when tobacco was sold to the youth, the youth shall return to the vehicle with the investigator. The investigator shall assure that the youth remains locked inside the vehicle while the investigator returns to the outlet to issue a citation. If the compliance check is at an outlet where it is unreasonable to return to the vehicle (e.g. casino with multiple outlets), the investigator and youth will decide where the youth shall wait for the investigator. At a minimum, the youth shall leave the immediate area of the particular outlet.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

		State: FFY:	Nevada 2009
1.	Calendar year of the coverage study: 2008		
	Percent coverage found: 99.9%		
	(Provide calculation of the percent coverage.)		
	1,968/1,974		

3. Provide a description of the coverage study methods and results.

Every outlet selling tobacco products and that is accessible to minors are inspected a minimum of twice per year. As inspectors travel through towns and cities conducting inspections, they are diligent to identify and inspect new establishments recording pertinent facility data. In addition, inspectors record outlets that were in the sampling frame that do not sell tobacco products. The Synar database is updated accordingly.